

**#06-10, CONDITIONAL USE PERMIT, TREE PERMIT
MITIGATED NEGATIVE DECLARATION
ZONING ORDINANCE AMENDMENT FOR CG ZONING DISTRICT
APNs 044-123-057 and 044-123-069**

**STAFF REPORT
PLANNING COMMISSION MEETING OF MAY 29, 2007**
Changes from previous staff report of January 23 in italics

REQUEST

Hamid Noorani, Homewood Lumber, the applicant, requests a Conditional Use Permit and Tree Permit approval on an 8.84 acre parcel located at 5251 Brace Road, at the northeast corner of Brace Road and Sierra College Boulevard, APNs 044-123-057 and 044-123-069. The request is for approval of a Conditional Use Permit and Tree Permit for relocation of Homewood Lumber to this site *in two phases*. Associated with the project is an amendment to the Town's Zoning Ordinance to allow product assembly use by Minor Use Permit in the General Commercial (CG) zoning district. The property is zoned General Commercial (CG) and designated "General Commercial" in the General Plan. The proposed project, if granted a Conditional Use Permit and Tree Permit can be found to be consistent with the General Plan and the Zoning Ordinance. A Mitigated Negative Declaration is proposed to be adopted for the project.

BACKGROUND

The applicant needs to move from his current location on Rippey Road (where he leases land) so that the current owner (Doupnik Manufacturing) can improve the efficiency and effectiveness of their operation. He prefers to stay in town and acquired the project site in February 2005.

PROJECT DESCRIPTION

Site: The site is located at the northeast corner of Brace Road and Sierra College on a 8.84 acre parcel with CG zoning and a land use designation of General Commercial.

Previous Use: The site is currently vacant. An orchard was located on the site over 50 years ago.

Access: Two proposed driveways: one from Brace Road, one right-in and right-out driveway onto Sierra College Boulevard.

Surrounding Uses and Zoning: The site is zoned General Commercial (CG) and designated "General Commercial" in the General Plan. Surrounding uses are as follows:

North - Formerly KOA Campground (9.1 acres), now Loomis Campground, with RV storage in the center and rear of the site and trailers to the front, facing Taylor Road.

East - Single-family residential use and vacant parcel zoned residential

South - Two-story apartments zoned High Density Residential *on a little over an acre*, and commercially zoned (*General Commercial*) vacant land (over 17 acres)

West - Sierra College Boulevard (to be expanded to 6 lanes) and vacant General Commercial site

Vegetation: The primary habitat on the project site is composed of oak woodland, which is dominated by tree species, including valley oak, live oak, Fremont cottonwood and gray pine.

Wetlands: *A wetland delineation was prepared in June 2006, revised on May 3, 2007, and verified by the US Army Corps of Engineers on May 8, 2007. The verified delineation identified a total of 1.278 acres of jurisdictional wetlands on the project site, including 0.0174 acres of seasonal drainage, 0.001 acres of roadside ditch (to be filled), and 0.1205 acres of seasonal wetland. The project proposes to fill 0.0988 acres of the seasonal wetlands and .028 acres of seasonal drainage. The fill will require a permit from the Army Corps, during which process, the mitigation for loss of the wetland areas will be determined. The mitigation that the applicant is proposing is to dedicate, in fee or in easement, the rear third of the property to the Town or non-profit agency as conservation lands, and create and restore additional on-site wetlands. Staff and Riley Swift of Restoration Resources, have reviewed the site, discussing the contents of a proposal to the town for a restoration plan for the rear third of the site for re-vegetation of the oak woodlands areas and creation of additional wetlands on the site for Corps mitigation. His plan will include an open fence on the northerly property line with vegetation planned to cover it, which would visually block the Loomis RV park residents from the Homewood site in addition to tree preservation and protection and wetlands restoration Recommended conditions of approval, as well a mitigation measures, require compliance with Army Corps mitigation requirements prior to any work onsite .*

Flood Plain: Approximately three acres of the Homewood Lumber project site are within the 100-year floodway, and another approximately three acres are located in the flood fringe. No development is proposed within the floodway, but parking and loading and unloading areas would be constructed in the flood fringe as part of Phase 2. The parking and loading areas constructed in the flood fringe would be relatively flat, so water moving across the area would not be impeded. Mitigation Measure 26 requires that the applicant obtain from FEMA a CLOMR (conditional letter to map revision) to establish the floodplain boundaries prior to construction of Phase 2. Some temporary storage would be allowed in the flood fringe. Mitigation Measure 25 requires that any storage in the flood fringe be temporary and elevated above the 100-year floodplain.

Proposed Use:

The Proposed Project is the relocation of Homewood Lumber to a new facility. Homewood Lumber has occupied a five-acre site on Rippey Road in Loomis since 1990. The company proposes to relocate its operations, *in two phases*, to the project site. The new facilities would include a showroom, shop for door assembly and moulding, a covered storage area and parking. Square footages are shown in Table 1. A site plan is shown in Figure 4.

Table 1 Proposed Land Uses by Phases	
Use	Square Footage
Building – Phase 1	
Sales Floor	6,400
Office	3,200
Warehouse	4,400
Shipping/Receiving	4,400
Door Assembly/Molding	8,350
(a) Covered Storage	10,270
Total	37,020
Building – Phase 2	
Sales Floor	6,400
Office	3,200
Warehouse	4,400
Shipping/Receiving	4,400
Door Assembly/Molding	9,950
(b) Covered Storage	10,270
Total	38,620

In comparison with the original application proposal, the door assembly would be reduced 1,600 square feet, and the covered storage would be 210 square feet less in Phase 1; and in Phase 2, the door assembly would be increased 1600 square feet. Additionally, the lumber loading and unloading operation in the back area will, for the most part, remain at the Rippey Road site until the second phase. The applicant indicates that a minor amount of lumber loading and unloading will occur in the lumber inventory area during Phase 1. Much of the lumber inventory will remain on the Rippey Road site along with the reciprocal saw, with deliveries to the Brace Road site as necessary. The Proposed Project also includes 47 parking stalls, including two handicapped stalls in Phase 1, 82 parking stalls, including the two handicapped stalls, in Phase 2.

Proposed Structure:

Setbacks: Meets minimum setback requirements (*applicant has revised plans*).

Front – 15' required, 15' provided - *A 5' sidewalk will now meander (while providing access to rear doors) on the Brace Road side and is proposed to be part of the landscaping area, increasing past the Brace Road entrance. Sidewalks have been allowed to be part of the landscaping in commercial projects.*

East side – 15' required abutting an R zone, 15' required on revised plans (*Covered*

lumber storage from adjacent residential property) - For information, there has been a 10' "no-man's land" between this parcel and the parcel to the west. There is a drainage ditch in the area, which is jurisdictional waters of the United States, *some of which are located on the subject site.*

West side – 15' required, 15' including sidewalk provided - Minimum of 10' from sidewalk, increasing to 25' past entrance driveway.

Rear – Substantially over 100' – none required since it is adjacent to a commercial zone; *proposed conservation area*

Building Height: Conceptually 30' to 35' – two story portion over area adjacent to entryway. *Applicant indicated at the 2/6/07 public hearing that the height of the structure will be 20' vertical walls on the interior which may allow for lowering of height.* Design will require design review. Height of the covered lumber storage appears to be approximately 20'. *Noise study requires a 20' tall barrier to meet town noise standards.*

In response to questions from the Town's environmental consultant, the applicant indicated the following heights:

Storage Shed - 20' wall height + 6' to roof peak

Shop and Warehouse - 20' walls + 5' to mansard roof peak (most of the roof to flat)

Office Portion - 22' wall height + possibly 8' to roof peak (subject to architecture)

Roof style and heights are to be part of future architectural work and design review. Town's interest in possibly capturing the Fruit Packing shed architectural theme may influence heights

Parking/Loading/Paving/Unobstructed Clearance/Number of Proposed Driveways:

Parking- Meets minimum parking requirements, as shown in the following table:

Parking Demand and Supply - Phase 1				
Use	Square Footage	Zoning Ordinance Requirement (space/square feet)	Parking Demand	Parking Supply
Office	3,200	1 /200	16.0	
Retail up to 10,000 square feet	10,000	1 /500	20.0	

Retail/indoor assembly over 10,000 square feet	13,550	1/1,000	13.5	
Total	26,750		49.5	47
Note: Storage and company vehicles not included in calculations				

Total number of planned parking spaces = *Phase 1 - 47 spaces (including 2 ADA accessible stalls); Phase 2 – 82 spaces. Additional parking for motorcycles and bicycles will also be required and provided onsite. Applicant indicates that 45 employees are commonly on site for the whole operation during the day are currently using 40 parking spaces; staff's recommended conditions have been revised to require 47 parking spaces with Phase 1 (with 15 additional overflow spaces) and 82 parking spaces with Phase 2. No parking will be allowed for this project on Brace Road or Sierra College Blvd. The revised plans shows the 47 and 82 parking spaces.*

Loading- Loading area is located to *rear and eastern side of the buildings on Phase 1, and to rear of parking area and adjacent to Sierra College Boulevard for Phase 2.* Major access for truck loading is planned to be off of Sierra College entrance.

Paving- Most of the portion of the site to be developed is proposed to be paved. The applicant is checking on pervious types of pavement that might be possible given the proposed use. Parking area is proposed to be conditioned to protect and save trees adjacent to *the rear, the one larger trees near the entry way,* and to provide required tree cover.

Unobstructed clearance- No clearance issues.

Number of Proposed Driveways- Two proposed driveways – (1) two-way entrance on Brace Road; (2) right-in, right-out on Sierra College

Company Vehicles: Company vehicles are proposed to be stored in the rear lumber loading and unloading area. (how many?)

Grading: *The grading plan indicates the earthwork quantities for both phases as 4935 cubic yards of cut and 2336 cubic yards of fill. Basically, the site will be graded to create a pad, and expanded to a larger pad, once a permit to fill is approved by the Army Corps. The height at the corner of the buildings at Brace and Sierra College will be 4 feet above road grade, which adds to the height of the building. The lumber loading and unloading area to the rear will have a pad elevation of approximately 319 (generally lower than Sierra College) going up to 322 at the eastern side (generally lower than the neighboring property). The covered lumber storage facility will be placed about 1 foot higher than existing ground (324-326) with the neighboring residence at approximately the same level. Along Brace Road, the lumber storage*

facility's pad is 1-2 feet lower than the roadway.

Landscaping: No landscaping plans have been provided. The applicant is requesting use permit approval first prior to expending monies on additional plans. The required landscaping will include (and be in conformance with the town's landscaping standards):

15' adjacent to roadways (one purpose being to screen cars from view), with parking area setback at least 15'; shade trees at a minimum one for every 30 linear feet

Perimeter landscape strip at least 6' wide adjacent to side or rear property line (this can include rear easement with trees a minimum of one for every 30 linear feet– although landscaping incorporating and retaining existing trees in this area will be recommended by staff)

Since the parking area is not directly adjacent to residential, a landscaped buffer is not literally required by the Zoning Ordinance, although staff will be looking for a method of screening the parking and loading area from the adjacent residential property (which includes existing trees and vegetation) and/or fencing for screening.

Within the parking area – a minimum of 10% of landscaping is required with trees for every three spaces, with compact spaces, orchard-style.

The landscaping plans are recommended to be submitted as part of the design review application which staff is recommending be reviewed and approved by the Planning Commission.

Fencing: The application proposes to use the covered lumber storage as the screening for noise and sight from the adjacent residential use *to the east and south*. Staff has requested information from the applicant regarding probable fencing around the lumber loading and unloading area *for Phase 2*, and at the entrance on Brace Road *for Phase 1*. The applicant indicates that he has not specifically addressed fencing but is thinking of 6' or 8' fencing along Sierra College and, where needed, on Brace Road with gates – which should be black wrought iron. Fencing along the residential edge may be 6' tall chain link with slats for privacy. This fencing would be part of the design review approval to be heard in the future by the Planning Commission. *With the phasing plan, the applicant indicates he is still able to provide area for trucks to wait off-road, if necessary.*

Lighting: Lighting to comply with 13.30.080 of the Town's zoning ordinance, and Mitigation Measure 2, requiring that exterior lighting not illuminate adjacent residential properties and meet night sky requirements. At the time of building plan submittal, the applicant will need to provide lighting calculations to meet this condition.

Hazardous Materials: A Phase 1 Environmental Site Assessment was prepared for the project site in April 2006. The report concluded that there was low potential for

contamination of site soils or groundwater under the project site, with the exception of potential pesticides and herbicides residue from the orchards that had been located on the project site. Mitigation Measure 18 requires that surface soils be screened for pesticides and herbicides, and that remediation, if necessary, be completed prior to grading.

Signage: No new signage is proposed at this time. Any new signage must receive permits from the Town. Staff conditions propose that signage be submitted at the time of design review.

Drainage: The site drains to the west. The project proposes to collect runoff in storm drains onsite, and conveyed to the drainage on the western side of the project site. A new 2' x 2' drain inlet is proposed and will connect to an existing drainage inlet via a 12" drainpipe.

At present, drainage from Brace Road and the apartments to the south enters a storm drain southeast of the project site, and is discharged to the drainage that borders the eastern side of the project site. Construction of the lumber storage building and/or improvements to Brace Road could interfere with this drainage, and create localized flooding to the south and/or east. Mitigation Measure 23 recommends that drainage from the site and the area south of the project site be conveyed in a pipeline through the project site to the drainage to the north, if feasible.

Note: Staff recommends in *recommended* conditions that both on-site and off-site drainage facilities shall be designed and constructed as directed and approved by the Town Engineer in compliance with the Drainage Manual and best engineering practices prior to issuance of building permits.

Improvements/Utilities/Service Systems:

Sewer - South Placer M.U.D. / Septic

Water - Placer County Water Agency

Gas/Electric - PG&E

Trash Removal: One standard commercial trash dumpster provided by Auburn Placer Disposal will be stored in an enclosure constructed per the Town of Loomis and Auburn Placer Disposal requirements. The proposed trash enclosure is located towards the rear of the property, 43' from the Single Family Residential (RS-10) property line to the east. The trash enclosures will not be visible from the street.

Outdoor Storage: ~~Currently materials, equipment and trailers are stored outside, in the rear portion of the property. This portion of the property will be utilized for the proposed building addition and parking lot area. No outside storage is proposed/allowed on-site~~

~~per staff's recommendations for this CUP. Staff believes that it inadvertently left this section from a previous staff report. The project is for outdoor building/landscape material sales. There will be ongoing storage of such materials – which will be screened according to the conditions recommended by staff.~~

Environmental Review: A Mitigated Negative Declaration is proposed to be adopted to address the environmental effects of the project, under provisions of the California Environmental Quality Act, Section 15070 through 15075. The MND was circulated from December 21, 2006, through January 22, 2007. An informal hearing to receive comments on the MND was held in the Town Council chambers on January 4, 2007. Letters and comments received are attached, along with the responses to date. Additional comments may be received and need response. An on-site meeting (Brace Road) ~~will~~ was held at 9 am on Saturday, January 20, 2007, for review of the project by the Planning Commission. A public hearing was held on January 23, 2007 at which public comments were received and continued to February 6, 2007. Comments made were both on the environmental document and issues as well as the project itself. Additional written comments were made prior to the February 6th meeting and the continued meetings. On February 6, 2007 an informal hearing was held with comments made on the project. The written comments on the environmental issues and document are responded to individually; the oral environmental comments are responded to by topic and/or individually. Since then the project has been continued and re-noticed to this meeting.

ISSUES: Staff includes responses to the non-environmental issues brought out at the public hearing and written documents in the following information.

Land Use: The project site is designated and zoned for general commercial development, such as nurseries, lumber yards, and automobile sales, as well as many standard retail uses. The Town has determined that the door assembly component, while consistent with the types of uses allowed in the CG zone, is not explicitly allowed. Therefore, the Proposed Project includes the addition of assembly of building components to uses allowed in the CG zone with a minor use permit. If the Proposed Project is approved, then all of the uses that would occur in the Homewood Lumber project would be clearly consistent with the uses allowed in the CG zone.

The site adjoins land that is use and zoned residential. Therefore, the use permit needs to be conditioned to insure compatibility with the adjacent residential use, particularly with respect to traffic, noise and aesthetics.

At your last meeting staff indicated that the site had always been zoned CG; however, Councilmember Scherer reminded staff the next day that after adoption of the Master Plan, the site was designated and zoned Office (except for the portion on Taylor Road). With the adoption of the new General Plan in 2001, the Office designation was deleted. The site was re-designated to General Commercial at that time.

A number of those commenting and writing letters on the project expressed concern with allowing a lumber yard on the site, with the zoning amendment to allow assembly use on the site; and with the amendment to the zoning ordinance to allow for this limited assembly in the CG zoning district by Minor Use Permit. They argue that essentially the use would better fit in the ILT district. Attached for your information is a chart showing the uses in the industrial districts and the General Commercial zone. It shows that uses are not exclusively in one district or another (which is common among most jurisdictions).

The decision as to what is allowed in a zoning district is a legislative decision with the process established by Town Code - recommendation by the Planning Commission and decision by the Council. Each jurisdiction's officials are selected or elected to make the determination as to whether or not uses are appropriate in a zoning district or not – in conformance with the General Plan policies. The CG zoning district allows a lumber yard by Use Permit; through the Use Permit process looking at a specific site, the Commission, and Council if appealed, determines whether the use can be allowed with conditions and meet the findings necessary for approval of a Conditional Use Permit. When these findings are made, for approval or denial, they are required to be made specific to the site and project as proposed and conditioned.

Mr. Kreinke's letter of January 22, 2007 questioned the outside storage for Homewood Lumber in the CG zoning district: The CG district allows outside building/landscape materials with no restriction on size of area covered by a Minor Use Permit – and in compliance with the Town's standards for Outdoor Retail Sales and Activities – 13.42.180. The applicant is requesting the ability to place materials 18' tall, which is allowed by use permit approval. The area is required to be screened. Mr. Kreinke's letter refers to a later category of use which is outdoor building/landscape materials sales 15,000 square foot maximum which is permitted in the CC zoning district by MUP. The "use not allowed" line for the CG district does not mean that Homewood would not be allowed; rather, Homewood fits in under another (larger) category which is permitted by a MUP as long as it follows Section 13.42.180 (attached).

Mr. Kreinke argues that Homewood falls under "Storage-outdoor" per Section 13.80.020, Definitions. However, the definition of building and landscape materials sales means "retail establishments selling hardware, lumber and other large building materials, plant materials and other landscaping materials. Includes paint, wallpaper, glass fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales." This would include the outdoor building/landscape materials sales area. The mitigations for the outdoor sales area are 1) not exceed 10' in height unless allowed to do so by a use permit; 2) not encroach into required setbacks; 3) merchandise shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation...and does not create hazards; 4) shall be directly related to a business occupying a permanent structures; 5) for this use, shall be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping, and 6) not have additional signs because of the outdoor display. Additionally, the staff conditions require that the use be screened from the residentially zoned area.

Mr. Kreinke continues that the door and sawyer and related operations are similar to furniture and fixtures manufacturing or manufacturing/processing-intensive or light. Staff believes that the use fits well under the assembly zoning proposal before the Commission, and that the use as proposed, inside a building and enclosed within the proposed building structures, can be found to be consistent with the intent of the General Plan and Zoning Ordinance with requiring a Minor Use Permit (which allows for consideration of the proposed site – in this case, adjacent to Sierra College Boulevard and with main access from it and Brace Road to the east and conditions of the project). This is the subject for Commission and Council consideration at public hearings.

He then goes on to state that Homewood includes many different uses, many of which would be better located within the ILT, and uses specifically allowed within the ILT. In this case, as in most use reviews, the use involves a number of different uses (often office, sometimes outdoor storage, etc.). The zoning ordinance has been written in a generic way (by federal industrial classifications) in order to allow a variety of uses (they change over time) concerned with their specific use impacts. Uses are often allowed in order to insure that these impacts are reviewed for certain uses, if they are allowed, they are often allowed only with a Conditional Use Permit (which requires a public hearing), which is being done in this case.

Therefore, Mr. Kreinke is concerned with these questions before the Commission for determination: 1) Is the proposed zoning change to allow assembly use in the CG use throughout the town with a Minor Use Permit consistent with the goals and policies of the General Plan of the Town?; and 2) Does the proposed Conditional Use Permit address all of the operational issues that would or could in the future affect the residential areas?

Other concerns related to the use: **The CG zone indicates that it is “appropriate for a range of retail and service land uses that primarily serve local residences and businesses”.** Homewood indicates that it does serve local residences and businesses as well as regional users. Other similar uses the Town has allowed in the CG zone are: Loomis Feed Store, Sierra View Nursery, and Spec West. The use requires a Conditional Use Permit which, if granted, needs to fully respond to the issue as to whether it should be allowed in the CG zone at Brace and Sierra College and meets the intent of the Zoning Ordinance.

On January 22, 2007, Mr. Kreinke questioned zoning ordinance interpretation: Regarding the **zoning ordinance compliance** concerns expressed in the letter:

Per 13.10.050 Interpretation of the Zoning Code is placed with the Planning Director who has the discretion to refer any issue of interpretation to the commission. Thus, the Planning Commission is the deciding body as to how to interpret the ordinance – and should address his concerns regarding interpretation of the zoning ordinance, and respond as to their interpretation.

Circulation, Traffic and Parking: A traffic study was prepared by KD Anderson Transportation Engineers to determine the impacts of the proposed project, *both Phase 1 and Phase 2 considered together*, on existing and future traffic conditions. Project trip generation was estimated by increasing the number of trips at the existing facility by 25 percent to account for increased activity at the new location. The project applicant has indicated that little or no growth in staff is expected in the near term. It should be noted that, at least initially, there would be a reduction in trips on Taylor Road and Horseshoe Bar Road, due to Homewood leaving its current site. However, to be conservative (because another similar use could develop there), the traffic study did not make this assumption, instead assuming that traffic levels from the old Homewood site would not change.

The Proposed Project would increase traffic volumes in the Town slightly, assuming a 25 percent increase in business. All of the study roadways and intersections except one segment would operate at LOS C or better under Existing plus Project conditions. The segment of Taylor Road between Horseshoe Bar Road and King Road would operate at LOS F with or without the Proposed Project. While the Proposed Project would increase traffic on this segment by approximately 50 vehicles, or 0.31 percent, the service level and volume to capacity ratio would be unchanged. Therefore, the Proposed Project would not have a substantial effect on this segment. The project contribution to cumulative traffic would also be relatively small, because of the number of trips that would be generated elsewhere. Pursuant to Mitigation Measure 32, the project applicant shall pay its fair share toward the cost of improvements identified in the Town of Loomis General Plan. These fees would contribute to the construction of roadway improvements in the Town.

The traffic study indicates that the driveway access with only right-in and right-out turns on Sierra College Boulevard would be acceptable in the short-term, while traffic volumes are relatively low. However, as volumes on Sierra College Boulevard increase, decelerating trucks could slow the overall traffic flow. Traffic turning left into the site from Brace Road could also impede through traffic. Mitigation Measure 33 would require that either the access to Sierra College Boulevard be eliminated, or that an auxiliary lane be constructed to allow trucks to decelerate without slowing through traffic. A left-turn lane on Brace Road would also be required so that through traffic is not affected by project traffic.

The Proposed Project would not result in the loss of existing parking, and project demand for parking would be met on site, consistent with the Zoning Ordinance (see above table). Of the 49 spaces to be constructed onsite, only 24 spaces will be located within Phase 1. However, parking will be allowed as needed on the Phase 2 site, which will be graded and provided with a surface suitable for parking, consistent with the wetland permitting and Mitigation Measures 10 through 12 under Biological Resources.

The applicant has indicated that he does not anticipate any on-street truck parking,

waiting to get onto the site. Given this statement, staff has placed a condition on the site to make this a condition of the project, so that it can be enforced by traffic policing.

Noise: Normal grading and building construction noise would occur, but would be restricted by Mitigation Measure 28.

A noise study was prepared to evaluate the noise generated by project operation. The study found that the loudest activity was loading and unloading, followed by forklift activity. The reciprocal saw would be located outdoors, and would be used periodically for an hour or more at a time. The door assembly operation was not a major source of noise. Three of the four noise sources would exceed the Town standards for short-term noise, without any noise attenuation measures. The storage building would reduce all but one noise source below Town standards. The forklift operations would continue to exceed the nighttime median noise standard if the Hyster model is used. The Hyster model is being phased out in favor of the Linde, which model would not exceed Town standards. Mitigation was identified to ensure that noise levels would meet Town standards. As required by Mitigation Measure 27, the lumber storage building is to be designed and constructed to buffer noise from the project site, and only Linde model fork lifts shall be used at nighttime (10pm to 7am). In addition, several measures were identified that, if feasible, would further reduce project noise levels.

A request has been made for a 12' wall on the easterly property line. Staff spoke with Mr. Kreinke regarding his concerns: he has concern with the maintenance of the lumber storage shed given the use of forklifts in the shed and an un-determined material, acoustically-treated for its construction. Staff received this comment from the noise consultant:

Acoustically speaking, the shed construction needs to have a density of 3-4 pounds per square foot. This may be difficult to achieve with sheet materials. Also, the material certainly needs to be durable so that it will always perform acoustically. I think that a masonry type building would be most appropriate considering the density and longevity concerns. However, other materials could be used pending an acoustical review

Staff's conditions have been revised to recommend a maintenance agreement for the walls and structures necessary for noise attenuation. The Commission may specifically require a masonry sound wall if it wishes. Additionally, the noise consultant recommends, in accordance with the town's noise standards, that the shed be extended to within 30' of the flood plain area (and the plans for Phase 2 have been revised to show this- but the wall cannot extend into the wetlands area for Phase 1). Staff is also corresponding with the noise consultant regarding the proposed Kreinke minor land division to insure that the potential homesite will be shielded. The applicant would not be able to place any type of wall within the flood plain. Given the phasing of the project, related to the wetlands on the site, nothing in Phase I can impact the existing wetlands. Therefore, the covered storage structure can only extend to the wetlands. The parking spaces are not proposed to have a noise wall adjacent to them until phase 2. With phase 2, a sound wall will be extended along the eastern side that will block the lumber loading and unloading area. The noise

from the parking spaces themselves is not anticipated to be significant; however landscaping will need to be placed adjacent to them to screen the parking (subject of design review) - and staff's conditions recommend that the sound wall and/or fencing be extended as far along the eastern boundary as allowed by Army Corps prior to issuance of their permit.

Additional concerns related to the reciprocal saw location. The applicant has agreed (and staff conditions have been revised to require) that the table saw and reciprocal saw be located in the lumber storage building, adjacent to the entry off of Brace Road- when they are located to the Brace Road site during Phase 2. Noise baffles and absorbers would be used to contain noise. Any open area/doorway will face onto the rear area, at a significant distance from the RV park.

After the last hearing on the project, staff requested a study of the noise impacts on the trailer park (letter attached). The letter concludes that the noise impacts are within the Town's standards for commercially zoned property but that the change in noise levels will be noticeable. The trailer park is a commercially zoned site, with the approved use being "overnight camping". The trailer park owner, in person to staff, has re-iterated his support for the project as proposed.

Resources (Biological, Agricultural, Cultural, Hydrology, Drainage, Water Quality, Air Quality)

The project site is in a non-attainment area for ozone and for PM 10 [particulate matter over 10 microns in size]. The project would generate construction, vehicular and stationary-source (e.g., machinery) emissions. Project-specific emissions would not exceed the PCAPCD thresholds for project operations. However, project emissions would exceed 10 pounds per day of NO_x, which the Placer County Air Pollution Control District considers a considerable contribution to cumulative air quality degradation. The PCAPCD has indicated that cumulative air quality impacts can be mitigated to a less-than-significant level by contributing to the PCAPCD's fund, as required by Mitigation Measure 8, which would be used to acquire emission offsets or by having the project applicant purchase emission reduction credits on the open market.

It should be noted that the project site was designated General Commercial in the Town's General Plan, and the Town adopted a Statement of Overriding Consideration for the impact on air quality due to development of the project site and other areas throughout the Town.

The Proposed Project would use equipment that could be subject to PCAPCD regulations, particularly in the door assembly operation. The door assembly component of the Proposed Project generates airborne particulates, but uses self-contained dust collectors to prevent release of such particulates.¹ The facility is periodically inspected by OSHA. Depending on the type and number of equipment and materials (e.g., paint),

and the amount of emissions generated, the Proposed Project operations could generate air emissions in excess of PCAPCD thresholds. Mitigation Measure 7 requires that the applicant consult with PCAPCD to determine if a permit is warranted, and to obtain such a permit if necessary. If the Proposed Project does not meet PCAPCD thresholds for a permit, then it would not generate enough air emissions to substantially degrade air quality. If a permit is required and the project complies with permit requirements, then its air emissions would not substantially degrade air quality.

Aesthetics: The project site is visible from Sierra College Boulevard and Brace Road, and from the residences to the east and south. Views of the project site from Taylor Road are largely screened by trees and other vegetation.

The project would alter the visual character of the project site by removing approximately 132 trees, and constructing one- to two-story commercial buildings and parking areas. The main building would be at the corner of Sierra College Boulevard and Brace Road, where it would dominate views from the intersection. The main building, housing the office, door assembly shop, warehouse and sales office, would be approximately 140 feet long on the west side and 240 feet long on the south side. The corner of the building at the intersection is planned to be cropped, creating an entrance on the diagonal, which would provide an additional setback and reduce the perceived mass of the building somewhat. The covered lumber storage building would be 20 feet tall. The storage buildings would be approximately 240 feet long on the south and 190 feet long on the east. The outdoor lumber area and parking lots would be toward the interior of the project site.

Residents to the south and people traveling on Brace Road would see the facades of both the main building and the storage building. Residents to the north would see a long expanse of the storage building, although this view would be partially obscured by trees and other vegetation along the drainage that separates the project site from development to the north. These buildings would block views of the outdoor lumber area and parking. Views from Taylor Road would be obscured by the trees that would be retained in the northern third of the project site. Trees and the main building would also shield views of the site interior from Sierra College Boulevard.

Staff anticipates that the landscaping plans will provide screening and break up the mass of the building lengths. The landscaping plans will be part of the design review, recommended to be heard by the Planning Commission as a condition of approval of the project.

Mitigation Measure 1 requires that project design be visually consistent with planned development on Sierra College Boulevard in the Town of Loomis and the entrance to the City of Rocklin to ensure that the façade of the buildings visible from roads and residences would be visually compatible with the surrounding area.

During the February 6, 2007 meeting, in some of the private discussions throughout the

room, a suggestion was made that the design should be "fruitshed-like." This idea has been passed on to Homewood, along with the attached concept drawing for the Blue Anchor fruitshed, which was burned down several years ago. The project still requires design review with a public hearing before the Planning Commission before a building permit can be issued. If the Planning Commission wishes a specific style, height, or other design features, they could either add a condition to this Use Permit or make a suggestion to the applicant as to what you would like to see. Staff's revised conditions note that a fruitshed design is encouraged by the Planning Commission.

Outside loading and unloading area (Phase 2) – This area will be visible from Sierra College Boulevard and from the single family residential area to the east. Additional screening is proposed to be placed adjacent to the site on the eastern side in order to provide screening of this area from the residential area. Landscaping for screening along Sierra College is proposed to be required by the staff conditions and will be reviewed with the future design review application..

Trash storage area. – The trash area is in the middle of the parking lot, away from the residential area. It will be required to be enclosed by a solid structure per the staff conditions for design review.

Biological Resources/Trees

The project site contains suitable habitat for a number of special-status wildlife species, including several species of bat, Cooper's hawk (foraging and nesting habitat), sharp-shinned hawks, loggerhead shrike (nesting and foraging habitat) Northwestern pond turtle, California tiger salamander, and western spadefoot. None of these species were observed on the project site, even though surveys were conducted at the appropriate time of year. However, the bird species could use the site for nesting and foraging in the future. Mitigation Measure 9 requires preconstruction surveys and protection of active raptor nests.

A wetland delineation was prepared in June 2006, revised on May 3, 2007, and verified by the US Army Corps of Engineers on May 8, 2007. The verified delineation identified a total of 1.278 acres of jurisdictional wetlands on the project site, including 0.0.174 acres of seasonal drainage, 0.001 acres of roadside ditch (to be filled), and 01.205 acres . of seasonal wetland. The second phase of the project proposes to fill 0..988 acres of the seasonal wetlands and .028 acres of seasonal drainage. The fill will require a permit from the Army Corps, during which process, the mitigation for loss of the wetland areas will be determined. The mitigation that the applicant is proposing is to dedicate, in fee or in easement, the rear third of the property to the Town or non-profit agency as conservation lands, and create and restore additional on-site wetlands.

The Town has a "no net loss" of wetlands policy (Natural Resource and Open Space Policy 8b) will now be met with through the mitigation requirements of the Corps. Mitigation Measures 10 through 12 require purchase of wetlands credits or payment of fees to meet the Town's "no net loss" of wetlands policy (Natural Resource and Open

Space Policy 8b), and to ensure that wetlands preserved onsite are protected from disturbance and degradation.

An arborist report was prepared for the two-thirds of the project site that would be developed, because trees on the three acres to remain in open space would not be affected by development. Every tree meeting the Town's criteria for protected trees was tagged, evaluated for structural condition and vigor and inventoried. The resulting Master Inventory documented 189 trees meeting the ordinance criteria, with diameters ranging from 6 to 31 inches. The applicant estimates that an additional 250 trees are located on the 3.6 acres that would remain in the flood-way, and that approximately 120-150 of those trees would meet Town criteria for protection. Of the total 189 inventoried trees, 17 trees were recommended for removal due to compromised health and/or structural stability. According to the Tree Removal Plan, a total of 149 trees meeting the Town's standards would be removed to accommodate project development. Of these, 17 trees are recommended to be removed due to their poor condition. Therefore, a total of 132 trees would be lost to project development. Of these, 98 trees (11 in poor condition) would be removed during Phase 1. Pursuant to the Town's Tree Ordinance, the project is responsible for either onsite replacement, replacement at a location where maintenance can ensure the survival of the trees, implementation of a re-vegetation plan, or payment of an in-lieu fee. The fees are to be used to fund the propagation and protection of native oak and/or larger non-native trees, and would include land costs. Replacement trees must be monitored for five years, and must remain healthy for ten years in order for the replacement to be considered successful. Based on the October 2006 tree removal plan submitted with this application, the Proposed Project would be required to plant 1,057 trees, pay a fee of \$528,500 or a combination of the two.

Town staff has spoken with Riley Swift of Restoration Resources regarding the requirement for tree mitigation on the site per the Town's ordinance. He is proposing to the town to prepare a plan to protect and restore the oak woodlands left on the site (within an open space easement to be granted to the town) and to plant additional native trees and plantings. The proposed approval of the tree permit at this time is only conceptual, since the final mitigation/re-vegetation plan will need to be approved by the Planning Commission.

The Open Space Committee has expressed concern regarding the loss of trees on site, see comments attached. They have suggested retention of several of the larger trees on site (Tree #173- 16' in circumference, moving entry; Trees #160, #156, #120, and #114; and question why are Trees #27, 93 and 82 being removed); the town arborist reviewed the site as well and suggested retention of three of the larger trees (Trees #173, #179 and #148, with aeration techniques and additional or revised parking lot islands to save more of the trees at the edge(s)). The applicant has indicated that he is not able to retain any of these trees within the lumber inventory area or loading area because of the operational needs of his business.

The applicant received a permit to stockpile dirt on the site as long as it was fenced away from the trees. Later, without a permit, he had some of the dirt spread on the site, placing some of it around the oak trees. The Town Arborist reviewed the site soon afterwards, and determined that the dirt did not need to be removed until a decision was made on the application. If this application is denied, the owner will be required to remove the dirt around the oak trees in conformance with direction from the Town Arborist.

When the Planning Commission considers the Tree Permit, the Town's ordinance sets out the following general criteria, criteria for removal and criteria for denial and encroachment, as well as the findings listed in Exhibit A, Draft Findings:

A. Application evaluation criteria. The following criteria shall be used to support the findings required by Subsection B. for the approval of a Tree Permit.

1. General criteria.

- a. The gross floor area of proposed buildings in relation to the "usable" size of the site and the amount of usable space on the site that does not require the removal of protected trees;
- b. Design features in comparison with other existing or approved projects in the vicinity and in the same zone that have or had protected trees on their sites;
- c. Factors that are unique to the site, such as topographic constraints, lot configuration and other physical limitations;
- d. The overall health and structural condition of the potentially impacted protected trees;
- e. The approximate age of the each protected tree compared with the average life span for each species;
- f. The number of healthy protected trees that the site will support, with and without the proposed development;
- g. The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes;
- h. Whether there are any alternatives that would allow for the preservation of the protected tree; and
- i. Any other information the review authority finds pertinent to the decision, including any information obtained at a public hearing.

2. Criteria for removal.

- a. The age of the protected tree with regard to whether its removal would encourage healthier, more vigorous growth of younger similar trees in the area;

- b. The number of existing protected trees in the area and the effect of removal upon public health, safety and the general welfare of the area;
 - c. The potential for the protected tree to be a public nuisance or interfere with utility service, as well as its proximity to existing structures; and
 - d. Present and future shade potential with regard to solar heating and cooling.
3. **Criteria for encroachment.** Whether the degree of encroachment is likely to result in the subsequent decline of the affected protected tree or create a future risk to public safety or pose a hazard to adjacent structures.

At the February 6th meeting the applicant indicated he was considering retaining the largest oak tree in the lumber storage area (#173)- and this is shown on the latest plans. Staff has spoken with the Town Arborist regarding this- who indicates that, at a minimum, the tree be permanently fenced at the dripline. Concerns have also been expressed that given that the root structure goes much further than the dripline, that saving it may only be temporary (with temporary possibly being 20 years). The Town Arborist believes that fencing the tree at the dripline would go a long ways towards saving the tree, but there are no guarantees as to how long it would last.

Cultural Resources

An Archaeological Resources Inventory was prepared in April 2006. This report covered both the project site and the adjacent Bob Cook property. A field inspection was conducted in April 2006 using 15-meter transects. No artificial features over 45 years of age were observed on the project site. The archaeologist concluded that it is therefore unlikely that there are any buried cultural resources on the project site. Nonetheless, the potential for buried resources cannot be completely ruled out. The project site is located on a formation that can contain paleontological resources. Mitigation Measures 14 and 15 require that construction workers be informed of the types of materials that could indicate an archaeological or paleontological site, and that work stop in the vicinity of any resources uncovered during construction until the find can be evaluated and properly treated.

Water Quality

Construction activities could cause erosion and result in water quality degradation from equipment (e.g., such as fuel leaks). Mitigation Measure 16 requires an erosion and sediment control plan, and the contractor must obtain a NPDES General Construction Permit, which requires preparation and implementation of a Storm-water Pollution Prevention Plan. These measures would protect water quality during construction.

The project could result in minor amounts of pollutants entering onsite drainages via

storm-water runoff that has come into contact with roads or other surfaces that contain oil or other contaminants. Mitigation Measure 20 requires preparation of a plan demonstrating compliance with the Town's Municipal Storm-water Permit, which regulates storm-water quality.

The Open Space Committee, based on the Municipal Code, recommends that grading only occur after issuance of a grading permit, and with temporary fencing to confine development activity to the area outside of the flood zone.

Phasing: *The applicant phased his application to insure that the wetlands issues could be handled separately if needed. The increased wetland acreage means that the applicant will pursue the development of the site in two phases, with the portion of the site not covered by wetlands being developed first, prior to issuance of a permit by Army Corps.. The main issue for phasing will be to insure that appropriate parking is provided on site for the first phase while not encroaching on any of the on-site wetlands and that the appropriate noise mitigations are in place. Staff's conditions recommend, and the applicant has agreed, that the previously considered Phase III (the floodway area of approximately 3 acres) be dedicated to the Town (or non-profit group) for tree and wetland preservation and restoration, a drainage area, and a possible trail system for the Town.*

Housing: The existing Homewood facilities on Rippey Road currently has approximately 65 employees. No increase in the number of employees is anticipated in the short-term. However, as business increases at the proposed site, additional employees could be needed. However, even a 25 percent increase in employment would result in fewer than 15 new employees. There is enough housing in the vicinity of Loomis to accommodate an additional 15 households, assuming that all new employees came from outside of the area. More likely, at least some new employees would already have homes in Placer County.

Open Space: Approximately one-third of the project site would be left in open space, because it is in the 100-year floodway. The staff is recommending, after discussions with the applicant, that this area be dedicated to the town, or to a non-profit agency with restoration of its oak woodlands *and wetlands, a safer drainage area*, and the possibility of a trail in the future if the town establishes on along the creekway. *See phasing.*

Public Services: An incremental increase in the use of public services and utilities is anticipated, particularly for fire protection, law enforcement, water, sewer and solid waste. No demand for parks or schools would result from the project, because it does not include residential units and would not substantially increase the Town's employment base. Payment of connection and other service and utility fees would offset the increased demand for public services and utilities.

Enforcement of the Use Permit: *A number of residents have expressed concern with enforcement of the requirements on the Homewood project, particularly expressing*

concern with what has happened previously in the area. To staff's knowledge, it has never been possible to exactly define a project prior to its construction and initiation. Therefore, some conditions necessarily have to be more general, or left to future staff (or Commission judgment, in accordance with the Town Ordinances and direction given during the public hearings at the Commission and/or Council- or general Town policies. Additionally, in this case, the applicant has chosen to make his applications step-by-step rather than concurrently, which makes specificity more difficult. However, 1) staff has re-reviewed all of the conditions and mitigations – and revised any that it believes can be more specific, 2) staff has added a recommendation for an annual public hearing review of the Use Permit for two years (and further annual reviews if the Town finds, after two years, that such reviews are appropriate), 3) added a condition requiring a noise study after the first two weeks of operation at the site, and prior to the first two annual review, to be presented to the Planning Commission, 4) and has noted the future reviews still required in the conditions (design review, landscaping review, tree restoration/protection plan). It should be clarified that the \$500 mitigation monitoring deposit (Condition 70), is an amount that will need to be backfilled once it is used – it is not a one-time fee. Also, staff has broadened the condition to include all complaints on project conditions that staff finds to have a basis in fact.

Fiscal Impacts: The proposed project will retain substantial sales tax dollars for the Town's continued fiscal viability and financial well-being.

Amendment to CG Zone

The Proposed Project includes an amendment to the General Commercial (CG) zone to allow assembly of manufactured goods with a minor use permit. This amendment would affect the entire CG zone. The CG zone is generally located on both sides of Taylor Road and on the northwest, northeast and southeast quadrants of the Horseshoe Bar Road interchange. The CG zone is composed of a mix of developed and undeveloped land. The undeveloped areas are primarily vacant lots and relatively large parcels similar to the proposed Homewood Lumber site. These undisturbed sites typically contain oak woodlands, grasslands, some drainages and associated habitats.

The Initial Study and Mitigated Negative Declaration evaluated the impacts of this change, and concluded that the change in and of itself would not result in a significant impact.

The CG zone currently supports a variety of commercial land uses, such as automotive uses, contractor buildings, feed store, nurseries and other commercial uses. Typically, these uses are characterized by one to two-story buildings on large lots with surface parking and outside storage and use. Surrounding uses are mixed and include office, residential, Loomis High School, Loomis Grammar School and commercial development. The CG zone is interspersed with vacant parcels, including relatively large parcels supporting grasslands and oak woodlands particularly on the southwest portion of the zone.

Under the Proposed Project, the following line is added to Table 2-6 of Section 13.26.040 of the Zoning Ordinance, after the row for "Artisan Shop".

Table 2-6	P	Permitted Use, Zoning Clearance required				
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	MUP	Minor Use Permit required				
	UP	Use Permit required				
	S	Permit requirement set by Specific Use Regulations				
	--	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulation s	
	CO (6)	CG (6)	CC (6)	CT (7)		
RETAIL TRADE						
Assembly of building components	--	MUP	--	--		

The "assembly of building components" category would apply to assembly, fabrication and conversion of already manufactured building components where the characteristics of the assembly process are unlikely to cause significant impacts on the surrounding land uses or the community. A Minor Use Permit would be required for *each specific* "assembly of building components" use.

The CG District Development Standards (Table 2-7 of the Zoning Ordinance) would apply to this use.

The proposed addition to the CG zone would not alter the amount of development that could occur on the parcels in the CG zone, or the general type of development. Therefore, the proposed amendment would not affect employment levels, traffic volumes or distribution, traffic-related air emissions and noise, the size and density of buildings, the visual characteristics of development in the CG zone, the loss of biological (including trees and wetlands) or cultural resources, increases in impervious surfaces, erosion, runoff, construction noise or emissions, exposure to geologic, flood or soils and groundwater contamination risks, hazardous materials use, or demand for public services and utilities.

The proposed amendment would add one type of use to the list of uses that could occur in the CG zone. However, the addition of assembly operations would not have a significant impact on the environment. Any assembly operations proposed in the CG zone would be subject to PCAPCD regulations for stationary sources of air pollutants, and would need to comply with District standards. Assembly activities would typically occur indoors, so they would not be expected to generate excessive noise.

In response to Kai Kreinke's concerns of January 22, 2007: Sales of building and

landscape materials is currently allowed through a Minor Use Permit in the CG zone. The application before the Planning Commission is a Conditional Use Permit (which includes the minor use permit) for new construction of a lumber yard at the site (along with the door assembly component per the proposed zoning revision).

The zoning change being handled concurrently with the project has been proposed, since there were early questions, to clarify that the door assembly portion of the project (not manufacturing but rather assembly which distinction is pointed out by Mr. Kreinke) is allowed at the site if the Town wishes to grant the Use Permit. (Note: Each Minor Use Permit is reviewed individually, with no guarantee that it will be granted if a site is not suitable or with what site specific conditions it would be granted.) The only portion of the project which is the subject of the zoning question change is the door assembly component. This proposed zoning change, if adopted, will affect every site in the CG zone, not just the subject site, as explained in the Negative Declaration.

The Zoning Amendment is:

The following line is added to Table 2-6 of Section 13.26.040 of the Zoning Ordinance, after the row for "Artisan Shop".

Table 2-6	P	Permitted Use, Zoning Clearance required			
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit requirement set by Specific Use Regulations			
	--	Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CO (6)	CG (6)	CC (6)	CT (7)	
RETAIL TRADE					
Assembly of building components		--	MUP	--	--

Add a definition of "assembly of building components" as "assembly, fabrication and conversion of already manufactured building components where the characteristics of the assembly process are unlikely to cause significant impacts on the surrounding land uses or the community". A Minor Use Permit would be required for "assembly of building components" use.

The CG District Development Standards (Table 2-7 of the Zoning Ordinance) would apply to this use.

RECOMMENDATION: That the Planning Commission approve Resolution # 07-05 adopting the Mitigated Negative Declaration and recommending the zoning amendment and #07-06 approving Mitigation Monitoring Plan, the Conditional Use Permit and Tree

Permit (conceptually), all subject to final approval of the zoning ordinance amendment, with the findings in Exhibit A and the recommended conditions in Exhibit B.

¹ Hamid Noorani, Homewood Lumber, electronic communication, November 22, 2006.

ATTACHMENTS:

1. Application # 06-10
2. Mitigated Negative Declaration (previously submitted to the Planning Commission)
3. Draft resolution, findings, and conditions of approval - *revised*
4. Mitigation Monitoring Program
5. Plans received May 22, 2007 by Land Development Services, pages 1-4.
6. Green sheets of recommendations from the Open Space Committee
7. Correspondence Received on Project including latest petition
8. Responses to Comments on Negative Declaration
9. Verification of delineation by Army Corps, dated May, 2007

NOTE: Notice published in paper 1/11/07 and mailed 1/6/07; published again on 3/8/07 and 4/5 and mailed on 5/3/07; and finally for this hearing mailed on 5/04/07